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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,120	09/21/2001	Robert C. Knauerhase	42390P11773	5740

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EXAMINER
DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
2681	10

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
   THE MAILING DATE OF THIS COMMUNICATION.
   - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
     after SIX (6) MONTHS from the mailing date of this communication.
   - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
   - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
   - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
     Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
     earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _15 June 2004_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-31_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-31_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 9, 10, 12, 13, 17, 18, 21, 24, 25, 28 and 29 are rejected under 35

U.S.C. 102(b) as being anticipated by Averbuch et al (Averbuch), U.S. Patent No.

5,901,142.

Regarding claim 1, Averbuch discloses a method comprising: detecting a receipt

of data for a client, on one of a plurality of servers (Packet Data Router, ATM network,

PSTN IP network, Base Sites or ISDN) (col. 5, lines 18-35; figure 1) in a cellular network

having one or more servers (col. 3, lines 48-52); inherently determining on which of the

plurality of servers the data is located as evidenced by the fact that the server which has

data for the client routes the information to the packet data router (col. 5, lines 18-35);

inherently determining the client's paging address (col. 3, lines 60-65) ; and in response

to detecting data for the client, utilizing a paging functionality to notify the client that the

client has data on the determined one of the plurality of servers (col. 3, lines 60-65, col.

5, lines 9-18, col. 6, lines 34-62).

Regarding claim 6, Averbuch discloses a method comprising receiving a page,

the page being indicative of, and in response to data arriving on one of a number of

servers in a cellular network (col. 6, lines 15-33); and in response to receiving the page (col. 3, lines 60-65, col. 5, lines 9-18), connecting to the server the cellular network to receive the data (col. 6, lines 34-62).

Regarding claim 9, Averbuch discloses the method of claim 6, wherein the page comprises a server identifier corresponding to the server (col. 6, line 63-col. 7, line 8).

Regarding claim 10, Averbuch discloses the method of claim 6, wherein said connecting is an automatic operation (col. 6, lines 56-65).

Regarding claim 13, Averbuch discloses an apparatus comprising: a detector module to detect data arriving for a given client on one of a plurality of servers in a cellular network (col. 3, lines 48-52); a lookup module to determine on which of the one or more servers the data is located; and determine the given client's paging address and a callout module to utilize a paging functionality to notify the client that the client has data on the determined one of the plurality of servers, the notifying in response to the detector module detecting data arriving on one of the one or more servers as evidenced by the fact that the server which has data for the client routes the information to the packet data router (col. 5, lines 18-35, col. 3, lines 60-65 and col. 6, lines 34-62).

Regarding claim 17, Averbuch discloses an apparatus comprising: means for detecting data arriving for a given client on one of a plurality of servers in a cellular network (col. 3, lines 48-52); means for determining on which of the one or more servers the data is located as evidenced by the fact that the server which has data for the client routes the information to the packet data router (col. 5, lines 18-35), and means for determining the given client's paging address (col. 3, lines 60-65); and means

for utilizing a paging functionality to notify the client that the client has data on the determined one of the servers, the notifying in response to the lookup module detecting data arriving on one of the one or more servers (col. 3, lines 60-65 and col. 6, lines 34-62).

Regarding claim 18, Averbuch discloses the apparatus of claim 17, wherein the client comprises a mobile device (col. 3, lines 41-52).

Regarding claim 21, Averbuch discloses a system comprising at least one server, the server to: receive data for one or more clients in a cellular network (col. 5, lines 18-27); send the data to a given one of the clients in response to the given client connecting to the at least one server and requesting the data (col. 6, lines 34-62); and an interceptor in communication with the at least one server, the interceptor to: detect that one of the at least one servers has received data for a given client (col. 3, lines 48-52); determine on which of the at least one servers the received data is located as evidenced by the fact that the server which has data for the client routes the information to the packet data router (col. 5, lines 18-35); determine the given client's paging address (col. 3, lines 60-65); and in response to the interceptor detecting that one of the at least one servers has received data for a given client, utilize a paging functionality to notify the given client that the given client has data (col. 3, lines 60-65 and col. 6, lines 34-62).

Regarding claim 24, Averbuch discloses inherently a machine-readable medium having stored thereon data representing sequences of instructions, the sequences of instructions which, when executed by a machine, result in the following: detecting data

for a client, the data being detected one of a plurality of servers in a cellular network as evidenced by the fact that the server which has data for the client routes the information to the packet data router (col. 5, lines 18-35); determining the client's paging address (col. 3, lines 60-65); and in response to detecting data for the client, utilizing a paging functionality to notify the client that the client has data on the determined one of the plurality of servers (col. 3, lines 60-65, col. 5, lines 9-18).

Regarding claim 28, Averbuch discloses an apparatus comprising inherently at least one processor; and a machine-readable medium having instructions encoded thereon, which when executed by the processor, are capable of directing the processor to: detect a receipt of data for a client on one of a plurality of servers in a cellular network (col. 3, lines 48-52, col. 5, lines 18-35; figure 1); determine the client's paging address (col. 3, lines 60-65); in response to detecting data for the client, utilize a paging functionality to notify the client that the client has data on the determined one of the plurality of servers (col. 3, lines 60-65, col. 5, lines 9-18).

2.   Claims 3-5, 7, 8, 11, 14-16, 19, 20, 22, 23, 26, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Johansson, WO 01/28168.

Regarding claim 3, Averbuch discloses the method of claim 1 as described above, and further discloses a cellular packet communication system (col. 4, lines 9-25). Averbuch, however, fails to specifically disclose wherein the cellular packet communication system comprises GPRS (General Packet Radio System).

In a similar field of endeavor, Johansson discloses the transfer of packet data

from a network server to a mobile station over a digital radio communication network.

Johansson further discloses wherein the radio based network comprises GPRS

(General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill

in the art to modify Averbuch with the teachings of Johansson since the GPRS network

is widely known and used to transfer packet data in cellular systems.

Regarding claim 4, the combination of Averbuch and Johansson discloses the

method of claim 3, wherein the paging functionality comprises a cellular based paging

functionality (Averbuch, figure 1).

Regarding claim 5, the combination of Averbuch and Johansson discloses the

method of claim 4, wherein the paging functionality comprises SMS (Short Message

System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 7, Averbuch discloses the method of claim 6 as described

above. Averbuch, however, fails to specifically disclose wherein the cellular based

network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General

Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the

art to modify Averbuch with the teachings of Johansson since the GPRS network is

widely known and used to transfer packet data in cellular systems.

Regarding claim 8, the combination of Averbuch and Johansson discloses the method of claim 7, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 11, Averbuch discloses the method of claim 6 as described above. Averbuch, however, fails to disclose, wherein the connection is a manual operation performed by a user on the client.

Johansson discloses such a technique when used with information transmitted via SMS (page 17, lines 6-8).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson to provide a more flexible system that allows user interaction.

Regarding claim 14, Averbuch discloses the method of claim 13 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 15, the combination of Averbuch and Johansson discloses the method of claim 14, wherein the paging functionality comprises a cellular based paging functionality (Averbuch, figure 1).

Regarding claim 16, the combination of Averbuch and Johansson discloses the apparatus of claim 15, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 19, Averbuch discloses the method of claim 17 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).
Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 20, the combination of Averbuch and Johansson discloses the apparatus of claim 19, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 22, Averbuch discloses the method of claim 21 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 23, the combination of Averbuch and Johansson discloses the system of claim 22, wherein the paging functionality comprises a cellular based paging functionality (Averbuch, figure 1).

Regarding claim 26, Averbuch discloses the machine-readable medium of claim 24 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 27, the combination of Averbuch and Johansson discloses the machine-readable medium of claim 26, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 30, Averbuch discloses the apparatus of claim 28 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 31, the combination of Averbuch and Johansson discloses the

apparatus of claim 30, wherein the paging functionality comprises SMS (Short Message

System) (Johansson, page 16, line 33-page 17, line 8).

Conclusion

3.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Temica M. Davis whose telephone number is (703) 306-

5837. The examiner can normally be reached Monday-Friday (alternate Fridays) from

9:00am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis
Examiner
Art Unit 2681

June 25, 2004

TEMICA M. DAVIS
PATENT EXAMINER